

Appl. No. 09/643,224  
Amdt. Dated February 18, 2005  
Reply to Office action of November 22, 2004  
Attorney Docket No. P11832/64845-1025  
EUS/J/P/05-6038

### **REMARKS/ARGUMENTS**

#### **1.) Claim Amendments**

The Applicant has amended Claims 21, 32, 33 and 36; Claims 1-20 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 21-40 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Examiner Objections - Claims**

The Examiner objected to Claim 33 because of informalities. Again, the Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claim as suggested by the Examiner in order to correct the informalities. The Examiner's consideration of the amended claim is respectfully requested.

#### **3.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 21-24, 26, 27, 29, 30, 32-34, and 36-39 under 35 U.S.C. § 102(e) as being anticipated by Elliot et al. (US Patent 6,614,781 B1). Applicant respectfully traverses the Examiner's rejection and submits the following remarks for the Examiner's favorable reconsideration.

As fully discussed in the pending application, the present invention provides a system and method for establishing a direct packet-based connection between two separate media gateways without relying on intervention or relay by other infrastructure elements. More specifically, the present invention provides a direct, per-call information exchange between two distinct media gateways wherein a first call control server controlling the first media gateway communicates identification data associated with the first media gateway over to a second call control server controlling the second media gateway. After establishing a second termination point, the second media gateway then establishes a call specific packet communication link from the second media gateway to the first media gateway using the provided identification data. Data between the calling

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party terminal and the called party terminal can then be communicated over the established call specific packet communication link.

In that regard, Applicant respectfully submits that Elliot fails to anticipate or render obvious each and every step as currently recited by independent Claim 21. For example, the second step of Claim 21 recites:

generating a circuit switched call setup message from said first call control server to said second call control server associated with said called party terminal, said call setup message further including identification data associated with said first media gateway;

Even though Fig. 2B of Elliot illustrates a control signal being sent from the first soft switch (204) to the second soft switch (304), nothing in Elliot discloses that signaling (274) to be a circuit switched call setup message as currently recited in the pending claim. Furthermore, nothing in Elliot discloses or teaches that signaling (274) further containing or including "identification data associated with the first media gateway." Accordingly, rather than using such identification data to establish a packet communication link from the second media gateway directly to the first media gateway in accordance with the teachings of the present invention, the second soft switch (304) in Elliot instead has to communicate back to the first soft switch (204) to indicate that the terminating ports within the terminating trunking gateway has been allocated (Col. 28, lines 46-52). In contrast to the present invention, the first trunking gateway (232) in Elliot then sets up an RTP session towards the terminating trunking gateway (234).

As a result, Applicant respectfully submits that Elliot actually teaches away from the present invention. Rather than providing the first media gateway's identification data and enabling the second media gateway to establish a direct packet communication link back to the first media gateway, no such identification data is provided to the second media gateway in Elliot thereby forcing the second soft switch (304) instead to come back and inform the first soft switch of the allocated port address. The first media gateway (i.e., originating trunking gateway 232) in Elliott then establishes the packet connection towards the second media gateway. Applicant submits that the first gateway establishing the packet connection towards the second gateway as taught

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by Elliot is just the opposite in direction as disclosed and claimed by the present invention.

Since Eliot fails to disclose or teach each and every element of pending independent Claim 21, Applicant respectfully submits that independent Claim 21 is now in condition for allowance. Applicant further submits that independent Claim 32 and 36 recite similar limitations as provided above and are also in condition for allowance. The remaining claims are dependent on now allowable independent claims and recite additional limitations thereto.

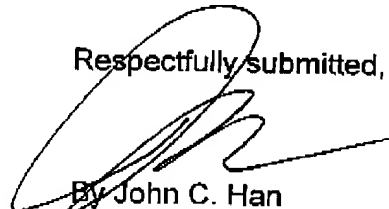
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### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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